

**ORDINANCE NO. 4
SERIES 2004**

AN ORDINANCE VACATING THAT PORTION OF THE EAST-WEST ALLEY LYING ADJACENT TO LOTS 1 THROUGH 5, BLOCK 32, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, AND A FIVE-FOOT STRIP OF VACATED 7TH STREET ON THE NORTH, AND LOT 6, BLOCK 32, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, AND A FIVE-FOOT STRIP OF VACATED 7TH STREET ON THE SOUTH, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AND RESERVING A UTILITY EASEMENT THEREIN.

WHEREAS, the applicants, Christopher M. Schodorf and Tracy L. Rutherford, submitted an application for vacating public property requesting the City of Gunnison to vacate a portion of the east-west alley in Block 32, according to the official amended plat of Town of West Gunnison, City of Gunnison; and

WHEREAS, the subject alley has never been developed and never been used for public traffic, but is used for various utility installations; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on May 26, 2004, and has made a recommendation to the City Council that the City Council proceed with the requested alley vacation, while reserving an easement therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for alley vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:

a. That the applicants, Christopher M. Schodorf and Tracy L. Rutherford, are the owners of the property which is adjacent to the alley requested to be vacated.

b. That no properties, other than those of the applicants, would be denied access by the proposed alley vacation.

c. That the Building Official, Fire Marshal, and Chief of Police have no objection to the proposed alley vacation.

d. That in the existing alley there is a City of Gunnison electrical line, together with telephone and cable television utilities.

e. That no public comment was received at the public hearing in opposition to the requested alley vacation.

f. That the proposed vacation does not conflict with the 2000 City of Gunnison Transportation Master Plan.

g. That the Department of Public Works has requested that an easement twenty feet in width for the installation and maintenance of utilities be obtained or reserved over the alley to be vacated.

Section 2. Vacation. The alley which is to be vacated by this ordinance is that portion of the east-west alley adjacent to Lots 1 through 5, Block 32, according to the official amended plat of Town of West Gunnison, and a five-foot strip of vacated 7th Street on the north, and Lot 6, Block 32, according to the official amended plat of Town of West Gunnison, and a five-foot strip of vacated 7th Street on the south, County of Gunnison, State of Colorado.

Section 3. Reservation of Easement. There is hereby reserved from the above vacation an easement, being fifteen feet in width, centered on the alley vacated herein, to the City of Gunnison for the purpose of installation and maintenance of all utilities.

Section 4. Grant of Additional Easement. The applicants herein have submitted to the City of Gunnison additional easement width for the utility easement reserved hereinabove in accordance with the request of the Public Works Department.

Section 5. Title. The title to such vacated street shall vest in accordance with the provision of C.R.S. 43-2-302.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 13th day of July, 2004, on first reading, and introduced, read, and adopted on second and final reading this 27th day of July, 2004.

Mayor

ATTEST:

City Clerk